



C.R.P.(MD)No.1150 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.1150 of 2022

and

C.M.P.(MD)No.4709 of 2022

M/s.GO Digit General Insurance Company Ltd.,
Rep. By its Legal Manager,
No.528/559, Anna Salai,
Above Skoda Showroom,
Teynampet,
Chennai - 600 018.

.. Petitioner

Versus

1.Kannan, S/o.Karuppaiah

2.Devi, W/o.Kannan

3.Universal Transport Services,
No.2/80, Agraharam Kothavasal,
Poonthottam, Nannilam Taluk,
Tiruvaur – 610 001.

4.Kalanjiyam, S/o.Sundararaj

5.IFFCO TOKIO GIC Ltd.,
Through its General Manager,
No.82, Second Floor, Chandrakanthi Nagar,
Ponmeni, Madurai – 625 016.

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, against the order of the learned Additional District Judge, Ramanathapuram, dated 04.04.2022, in I.A.No.52 of 2022 in M.C.O.P.No.69 of 2022.



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For Petitioner : Mr.N.Shyllappa Kalyan
For R1 and R2 : No Appearance
For R3 and R4 : No Appearance
For R5 : Mr.V.Sakthivel

ORDER

The petitioner Insurance Company has filed this Civil Revision Petition under Article 227 of the Constitution of India to set aside the impugned order dated 04.04.2022, in I.A.No.52 of 2022 in M.C.O.P.No.69 of 2022, passed by the learned Additional District Judge, Ramanathapuram.

2. The specific case of the petitioner is that the date of accident is 14.01.2021. It is the further case of the petitioner is that the premium for the policy was given to the petitioner only on 15.01.2021 and policy was issued on 15.01.2021 for the period between 16.01.2021 and 15.01.2022. It is further submitted that the policy was issued on the representation that the earlier policy was issued by the New India Assurance Company Ltd. was in force upto 15.01.2021.

3. The learned counsel for the petitioner further submitted that the claimants, who are the respondents 1 and 2 herein have also not produced a copy of the insurance policy, on the strength of which, they claimed to have filed the above claim petition before the Motor Accident Claims Tribunal/Additional District Judge,



Ramanathapuram. It is further submitted that the trial Court ought to have deleted the name of the petitioner from the above claim petition.

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4. The learned counsel for the petitioner has also drawn the attention of this Court to an order passed by this Court in **C.M.A.No.2854 of 2016, dated 23.09.2020, [Manager, United India Insurance Company Limited vs. Shanmugam and four others]**, wherein it has been stated that the documents are to be uploaded after verification for authenticity of the concerned Department/Insurance Company.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the fifth respondent.

6. A reading of the impugned order of the learned Additional District Judge, Ramanathapuram, in I.A.No.52 of 2022 in M.C.O.P.No.69 of 2021 indicates that the claimants, who are the respondents 1 and 2 before this Court, have filed a copy of the Insurance Policy and the insurance is valid from 11.01.2021 to 10.01.2022 and that the policy was in force on the date of accident on 14.01.2021.

7. On the other hand, it is the case of the petitioner Insurance Company that the policy itself came to be issued by them only on 15.01.2021.



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8. In my considered view, the issue as to whether the policy was valid from 11.01.2021 or from 16.01.2021 is a triable issue and has to be decided only after adducing evidence on both sides before the Motor Accident Claims Tribunal. Therefore, the order dated 04.04.2022, passed by the learned Additional District Judge, Ramanathapuram, in I.A.No.52 of 2022 in M.C.O.P.No.69 of 2021, does not call for any interference by this Court. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

27.03.2023

To

- 1.The Additional District Judge,
Ramanathapuram.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN, J.

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Order made in
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27.03.2023